IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9541 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

UTTAMBHAI JESINGBHAI GARASIA - Respondent(s)

==========

Appearance :

MR HARDIK C RAWAL for Petitioner No(s).: 1.

MR MUKESH H RATHOD for Respondent No(s).: 1.

==========

CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1. This petition is directed against the judgment and award dated 21st August, 1998 passed by the Labour Court, Valsad in Reference [L.C.V.] No. 621 of 1996, whereby the Labour Court has directed the petitioner to reinstate the respondent in service on his original post as fresh recruitment without any back wages.

2. The short facts of the case are that the respondent was working as a Conductor with the petitioner Corporation. On 28th January, 1993 while the respondent was on duty, the bus was checked by the checking squad of the petitioner Corporation and certain irregularities were found in issuance of tickets. Therefore, charge sheet was issued and departmental inquiry was held against the respondent. Since the charges against the respondent were proved, he was dismissed from the service w.e.f. 30th March, 1994.

2.1. Feeling aggrieved by the said order, the respondent workman preferred first appeal before the competent authority which came to be rejected vide order dated 26th October, 1994 and pursuant to that second appeal was preferred by the respondent which also came to be rejected vide order dated 8th January, 1996.

2.2. Being aggrieved by the said orders, the respondent workman raised an industrial dispute which was ultimately referred to the Labour Court for adjudication. The Labour Court after appreciating the case on merits, passed the impugned award. Hence, this petition.

3. Mr. Rathod learned advocate for the respondent has submitted that the respondent workman has been reinstated in service w.e.f. 9th March, 1999.

4. I have heard the learned counsel for the parties and have perused the materials placed on record. Since the respondent workman has been reinstated in service w.e.f. 9th March, 1999, I am of the opinion that no fruitful purpose would be served by disturbing the said position at this stage. Apart from that the Labour Court while exercising the powers under Section 11A of the Industrial Disputes Act, 1947 has directed to reinstate the respondent on his original post as fresh recruitment without back wages. Thus, I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court for awarding reinstatement on his original post as fresh recruitment without back wages.

5. In above view of the matter, the petition is dismissed. The impugned award of the Labour Court is confirmed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

/phalguni/